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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके ।
Separate paging is given to this Part in order that it may be filed as a separate compilation

LOK SABHA

The following Bills were introduced in Lok Sabha on the 17th April, 1986:—

BILL No. 27 OF 1986

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Thirty-seventh Year of the Republic of India as follows:—

1. (*1*) This Act may be called the Constitution (Amendment) Act, 1986. **Short title and commencement.**

(*2*) It shall come into force at once.

2. In article 310 of the Constitution, clause (*2*) shall be omitted. **Amendment of article 310.**

3. In article 311 of the Constitution,— **Amendment of article 311.**

(*i*) clause (*2*), second proviso shall be omitted; and

(*ii*) clause (*3*) shall be omitted.

STATEMENT OF OBJECTS AND REASONS

The provisions of the Constitution sought to be omitted affect the fundamental and democratic rights of the Central and the State Governments employees and workers. Many of the employees and workers of the Central Government have already been arbitrarily removed under these undemocratic and anachronistic provisions. These black provisions deprive the Government employees of protection in accordance with the principles of natural justice as their services are placed at the mercy of the President or the Governor, as the case may be. These provisions have been copied exactly from the provisions made in the Queen Victoria's Proclamation of 1858 and the Government of India Act, 1935 which were aimed to destroy the rights of the Government employees.

In view of this, it has become necessary that these provisions empowering the Government to dispense with the services of Government employees without giving them any opportunity of self-defence and without assigning any reason should be deleted from the Constitution.

The Bill seeks to achieve the objects of safe-guarding the democratic rights of the Government employees in giving them the scape of natural justice and the law of the land.

Hence this Bill.

NEW DELHI;
February 26, 1986.

SATYAGOPAL MISRA

BILL NO. 30 OF 1986

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Thirty-seventh Year of the Republic of India as follows:—

1. (*1*) This Act may be called the Constitution (Amendment) Act, 1986. Short title and commencement.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. After Part XXI of the Constitution, the following new Part shall be inserted, namely:— Insertion of new Part XXIA.

"PART XXIA

COOPERATIVE SECTOR

392A. In this Part, the expression "cooperative sector" means cooperatives formed and run by farmers, farm labour, workers working in factories using farm produce and consumers. Definition of co-operative sector.

392B. The persons who form the cooperatives in the cooperative sector shall elect a body, which shall consist of a President, a Vice-President and other members and shall hold office for a period of one year, to run the affairs of the cooperatives.". Election of a body to run the affairs of cooperatives.

3. In the Seventh Schedule to the Constitution, in List III—Concurrent List, after entry 47, the following new entry shall be added, namely:— Amendment of Seventh Schedule.

"48. Cooperative sector, which shall comprise of cooperatives formed and run by farmers, farm labour, workers working in factories using farm produce and consumers.".

STATEMENT OF OBJECTS AND REASONS

There is no provision in the Constitution to protect and expand the scope of cooperative sector in private and public sectors. The big industrial houses under private sector force the farmers and producers to sell their produce at throw away prices as the farmers have no means to develop the raw material on their own for sale and for their own use. There is scope to develop this sector and improve the rural economy.

By creating the cooperative sector the actual producers and people of the area will have the opportunity to fully utilise their raw material which otherwise goes waste to some extent.

For financing the setting up of such cooperative sector cooperatives and proper utilisation of rural raw materials no separate funds are required. A large number of public sector banks are already working in rural areas which provide loans to farmers and workers for setting up industries in their own areas.

The Government should come forward for creation of a cooperative sector and also give it proper place in the Constitution of India.

Hence this Bill.

NEW DELHI;
March 4, 1986.

BALASAHEB VIKHE PATIL

BILL No. 31 OF 1986

A Bill to provide for reservation of agro-based industries for producers and workers cooperatives and to provide financial assistance to such cooperatives in setting up of agro-based industries.

WHEREAS it is considered necessary and expedient in the public interest that the interests of farmers and farm labourers should be watched and to utilise available human resources and raw-materials and to expedite the economic development of the rural poor, to prevent exploitation of farmers and farm labourers by industrial houses, to reserve the setting up of agro-based industries for producers and workers cooperatives and to extend financial assistance to such cooperatives in setting up of such industries;

BE it enacted by Parliament in the Thirty-seventh Year of the Republic of India as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Agro-based Industries Reserved for the Producers and Workers Cooperatives Act, 1986.

(*2*) It extends to the whole of India.

(*3*) It shall come into force on such date, within one year of the date of assent to the Bill, as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) 'producer' means a farmer who cultivates land and produces raw-materials; and

(*b*) 'worker' means a person who works in the cultivable land owned by farmers.

Reservation of Agro-based industries for producers and workers cooperatives.

3. The setting up of Agro-based industries shall be exclusively, reserved for producers and workers cooperatives.

Financial assistance to producers and workers cooperatives.

4. The Central Government and the State Governments shall extend financial assistance, in the manner and in the proportion to be determined by the Central Government, to producers and workers cooperatives in setting up of Agro-based industries.

STATEMENT OF OBJECTS AND REASONS

Human resources and raw-materials are not properly utilised in rural areas. The big and medium industrial house exploit farmers and force them to sell the raw materials at throw-away prices.

The farmers are unable to utilise the raw materials for want of finance. Workers are exploited by unscrupulous people. The Government should set up agro-based industries in rural areas so that it will lead to overall economic development there and it will also bring self-sufficiency. This will also reduce the migration of people from rural areas to urban areas in search of employment.

Such industries should be reserved for producers/workers cooperatives to help in mobilising direct participation by farmers and farm labourers. They will also come to know of the latest know-how of the advanced technology in order to increase production based on their own raw materials.

This measure is in the national interest and for the upliftment of the rural areas and it will go a long way in providing prosperity to the rural masses.

Hence this Bill.

NEW DELHI;
March 4, 1986.

BALASAHEB VIKHE PATIL.

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides that financial assistance shall be given to producers and workers cooperatives by the Central Government in setting up of agro-based industries. The Bill, if enacted, would involve expenditure from the Consolidated Fund of India. An annual recurring expenditure of about rupees ten lakhs is likely to be involved from the Consolidated Fund of India.

No non-ocurring expenditure is likely to be involved.

BILL NO. 39 OF 1986

A Bill to provide for the grant of loans and other subsidies to small and marginal farmers.

BE it enacted by Parliament in the Thirty-seventh Year of the Republic of India as follows:—

1. (*1*) This Act may be called the Small and Marginal Farmers' Aid Act, 1986. Short title and extent.

(*2*) It extends to the whole of India.

2. It is hereby declared that it is expedient in the national interest that the Central Government shall extend loans, provide subsidies and other facilities to small and marginal farmers in order to improve overall agricultural development of the country. Expediency of providing loans and other subsidies to farmers.

3. In this Act, unless the context otherwise requires,— Definitions.

(*a*) "marginal farmer" means a farmer whose extent of agricultural land is 1 hectare; and

(*b*) "small farmer" means a farmer whose extent of agricultural land is 2.5 hectares.

Extension of loans to farmers.

4. The Central Government shall extend loans to needy small and marginal farmers, without any security deposits or the like, to develop their farmland and crops, at a rate of interest not exceeding four per cent per annum.

Provision of subsidies.

5. The Central Government shall provide subsidies to the small and marginal farmers to enable them to procure agricultural implements and improved seeds and for storing facilities.

Assistance in marketing of produce.

6. The Central Government shall provide funds and/or subsidies to the Food Corporation of India and the State Trading Corporation of India, who shall render assistance to the small and marginal farmers in the marketing of their produce.

Power to make rules.

7. The Central Government shall make rules under which the small and marginal farmers can obtain loans, subsidies as provided in this Act and also to regulate the mode of their repayment.

STATEMENT OF OBJECTS AND REASONS

Small and marginal farmers are beset with financial difficulties at present. They are facing tremendous hardship in procuring loans, subsidies and other things needed for farming in the absence of a sympathetic agency.

For these essential needs for farming, farmers are being cheated by unscrupulous elements in the countryside. They are also being cheated at the time of marketing their produce. Nationalised Banks have failed to stand up to meet the situation.

This is affecting the national economy as these farmers are the backbone of development of the society. The Bill is an attempt to overcome the difficulties being faced by the small and marginal farmers by making provision for the grant of loans and subsidies to such farmers.

Hence this Bill.

NEW DELHI;
March 6, 1986

HANNAN MOLLAH

FINANCIAL MEMORANDUM

Clauses 4 and 5 of the Bill provide for the grant of loans, subsidies and other amenities to the small and marginal farmers. Clause 6 provides that the Central Government shall provide funds and/or subsidies to the Food Corporation of India and the State Trading Corporation of India who shall render assistance to small and marginal farmers in marketing of their produce. The Bill, if enacted, would, therefore, involve expenditure from the Consolidated Fund of India. This will involve an annual recurring expenditure of about twenty-five crores of rupees from the Consolidated Fund of India.

No non-recurring expenditure is likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to make necessary rules for carrying out the purposes of the Bill. As the rules are matters of detail, the delegation of power is of a normal character.

BILL No. 40 OF 1986

A Bill to provide for the medical facilities to Government employees who need special medical attention.

BE it enacted by Parliament in the Thirty-seventh Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Special Medical Facilities to Government Employees Act, 1986.

(2) It shall come into force at once.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "employee" means an employee in the service of Union or Union territories of Delhi, Andaman and Nicobar Islands, Dadra and Nagar Haveli, Lakshadweep and Chandigarh and employees of Public Sector Undertakings under the control of Central Government and employees of Life Insurance Corporation and nationalised banks; and

(*b*) "special treatment" means such expert medical attention in respect of cases referred to in section 4, required by an employee and which is not available in Government hospitals or hospitals run under Central Government Health Scheme or Employees State Insurance Scheme but is available only in privately managed nursing homes, sanitoriums or available abroad.

Expenditure on special treatment to be borne by Central Government.

3. Notwithstanding anything contained in any other law for the time being in force, all expenditure in connection with the special treatment needed by any employee, shall be borne by the Central Government.

Special treatment.

4. For the purposes of this Act, the special treatment provided to any employee shall include the following:—

(*a*) by-pass heart surgery;

(*b*) cancer surgery;

(c) brain surgery; and

(*d*) transplantation of organs like heart, lungs, kidney, etc.

Scheme for providing special medical facility.

5. The Central Government shall, by notification in the Official Gazette, evolve a scheme to provide special treatment in India or abroad or financial assistance to employees for such treatment.

Provision for one attendant to accompany the patient.

6. The financial aid to be extended to an employee for special treatment either in India or abroad by the Central Government shall include expenditure for at least one attendant to accompany the patient during the course of the treatment.

Special leave to employees.

7. The Central Government shall sanction special leave to the employee for undergoing such treatment, which shall be over and above the leave due to such employee.

Power to make rules.

8. The Central Government may, by notification in the Official Gazette, make rules on any other matter, for carrying out the provisions of this Act.

STATEMENT OF OBJECTS AND REASONS

The Government is extending financial help to ministers, legislators and other dignitaries from the Government coffers for undergoing specialised treatment like bypass surgery, brain surgery, etc. at Houston in the United States. But similar financial help is not extended to its own employees, who need such specialised treatment either in some private hospitals in India or abroad. Although the Government employees are provided with medical facilities from hospitals under Central Government Health Scheme and Employees State Insurance Scheme or similar other hospitals but special treatment can only be availed of from private nursing homes in the country or only, from such well-known places like Houston in the United States. No law at present gives entitlement to any Government employees for such facilities.

The Bill aims at removing this discrimination.

NEW DELHI;
March 6, 1986.

HANNAN MOLLAH

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that the Central Government shall bear the expenditure involved in respect of special medical treatment undergone by its employees. Clause 5 of the Bill provides that the Central Government shall evolve a scheme to provide special treatment to employees. Clause 6 of the Bill provides that the expenditure involved in respect of one attendant accompanying the ailing employee shall also be borne by the Central Government. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. An annual recurring expenditure of about rupees twenty crores is likely to be involved from the Consolidated Fund of India.

A non-recurring expenditure of about rupees one crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 5 of the Bill gives power to the Central Government to evolve a scheme to provide special treatment or financial assistance to its employees. Clause 8 of the Bill gives power to the Central Government to make rules for carrying out the purposes of the Bill. The scheme and rules will relate to matters of details only and as such the delegation of legislative power is of a normal character.

BILL NO. 37 OF 1986

A Bill to provide for payment by the Government to the agricultural workers of compensation for injury by accident.

BE it enacted by Parliament in the Thirty-seventh Year of the Republic of India as follows:—

Short title and extent.

1. (*1*) This Act may be called the Agricultural Workers' Compensation Act, 1986.

(*2*) It extends to the whole of India.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "accident" means an accident caused during agricultural process by tractor, hallow power crusher or any other agricultural machinery and includes an injury by falling into a well or from a tree, or electric shock while working with electric motors, snake bites, attack by bull or any wild or domesticated animal;

(*b*) "agricultural operation" means any work relating to agriculture, horticulture, sericulture, rearing of sheep, cattle, poultry or the work ancillary thereto or any other work connected with agriculture;

(*c*) "agricultural worker" means an agricultural worker who is engaged in any of the agricultural operations, as specified in clause (*b*) of this section, and whose only source of income is the wages he gets from such work;

(*d*) "Government" means in relation to agricultural workers, the Central Government;

(*e*) all other words and expressions used herein and not defined in this Act but defined in the Workmen's Compensation Act, 1923, shall have the meanings respectively assigned to them in that Act. 8 of 1923.

Government to pay compensation.

3. If personal injury is caused to an agricultural worker by accident arising out of and in the course of agricultural operations, the Government shall be liable to pay to such agricultural worker compensation in accordance with the provisions of this Act.

Fixation of compensation.

4. Subject to the provisions of this Act, the amount of compensation shall be as follows, namely:—

(*a*) where death results from the injury, arising out of the accident, such amount as is equal to the total earning capacity lost due to death, that is the monthly wages of the worker multiplied by the years of service lost and multiplied by twelve, shall be paid to the dependent of the deceased agricultural worker;

(*b*) where permanent total disablement results from the injury, such amount as is payable under clause (*a*) shall be payable to the agricultural worker;

(*c*) in cases of injuries deemed to result in permanent partial disablement,—

(*i*) if it is the working hand or leg, compensation equal to the amount payable under clause (*a*) shall be payable to the agricultural worker;

(*ii*) in other cases, such percentage of the compensation, which would have been payable in the case of death as is specified in clause (*a*), as being the percentage of the loss of earning capacity caused by that injury;

(*d*) in case of other injuries, suitable compensation as may be deemed necessary shall be paid to the agricultural worker.

Fund to pay compensation.

5. (*1*) For the purpose of paying compensation a revolving fund shall be constituted, monies into which shall be provided by the Government and the employer of the agricultural worker for whom the agricultural worker was working at the time of accident.

(*2*) The employer of agricultural worker shall pay ten per cent. of the total amount of compensation payable to the agricultural worker and the rest shall be paid by the Government.

(*3*) The responsibility of payment of compensation shall lie on the Government.

(*4*) The expenditure on the enforcement of the provisions of this Act shall be borne by the Government and the agricultural worker shall not

be required to contribute anything to the fund constituted under sub-section (*1*).

Appointment of Commissioner.

6. The Government shall appoint a Commissioner, by notification in the Official Gazette, for every district, who shall entertain the claims for payment of compensation under this Act.

Form of the claims.

7. Every claim for payment of compensation shall give the name and address of the agricultural worker injured and shall state in simple language the cause of injury, the name of the employer, date and place of injury and other relevant matters relating to the claim.

Enquiry.

8. On receipt of the claim, the Commissioner shall enquire into the matter and decide the amount of compensation payable under the Act and shall record the reasons for coming to such decision.

Commissioner to verify in the absence of a medical certificate.

9. In the absence of a medical certificate in support of the injury, the Commissioner shall himself make a physical verification of the injury suffered by the agricultural worker and shall certify to the nature of injury suffered by the agricultural worker.

Payment of compensation.

10. Every claim for compensation shall be finalised and the payment made within thirty days of filing of the claim.

Appeal.

11. No court shall stay the operation of the award of compensation made by the Commissioner but the injured agricultural worker, shall have the right to appeal to the District court against the decision of the Commissioner.

Cooperation of State Governments for carrying out the purposes of the Act.

12. The Government shall seek cooperation of the State Governments for implementation of the provisions of the Act and for that purpose shall place necessary funds at the disposal of State Governments.

Power to make rules.

13. The Central Government may make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

The agricultural workers while pursuing their avocations are not only receiving injuries but also losing their lives very often. There is no organisation to protect their interests. They are paid meagre wages and that is why when they receive injuries due to accidents and become partially or totally disabled or die in the process, they and, in their absence, their family members suffer innumerable hardships. In fact their families get ruined. There is neither any security nor any legal protection for them under such circumstances. The Bill is an attempt to give minimum security to this unfortunate lot of agricultural workers.

NEW DELHI;
March 6, 1986.

ZAINAL ABEDIN

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for payment of compensation by the Government to agricultural workers for personal injuries received by them during the course of their employment. Clause 5(1) provides that a revolving fund shall be constituted for payment of compensation monies into which shall be provided by the Government and the employer of agricultural worker. Clause 5(2) provides that the employers of agricultural workers shall pay ten per cent. of the total amount of compensation payable to the agricultural worker and the rest shall be provided by the Government. Clause 5(3) provides that the responsibility of payment of compensation shall lie on the Government. Clause 5(4) provides that the expenditure on the enforcement of the provisions of this Act shall be borne by the Government. Clause 6 provides for the appointment of Commissioners for every district. Clause 12 provides for placement of funds at the disposal of State Governments for carrying out the purposes of the Act. The Bill, therefore, if enacted, is likely to involve a recurring expenditure from the Consolidated Fund of India to the extent of about rupees eight crores annually. A non-recurring expenditure of about rupees one crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 13 of the Bill empowers the Central Government to make rules for carrying out of the purposes of the Act. Since the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 30 OF 1986

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Thirty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 1986. Short title and commencement.

(2) It shall come into force at once.

2. In article 101 of the Constitution, after clause (4), the following clause shall be inserted, namely:— Amendment of article 101.

"(5) If a member of the House of the People is recalled by the electorate which elected him, by way of a representation in that behalf, signed by atleast sixty per cent. of the electorate, submitted to the Speaker of the House of the People, his seat shall thereupon become vacant and no court of law shall question such a recall.".

STATEMENT OF OBJECTS AND REASONS

In every election millions of voters in India elect their representatives to Lok Sabha. During elections, they give a number of assurances and make promises to their constituents that if elected, they will solve their problems and bring about improvements in their constituency. The people cast their votes because they think that on becoming our representative, he will raise their problems, difficulties in the House. But it has been found that after becoming members, they do not care for their constituency.

Therefore, there is need to enact legislation by which every citizen of India should have right to recall his elected representative who is not discharging his duties as per the promises made by him during the elections. If voters of the constituency give representation for recall of the member, signed by atleast sixty per cent. of the total number of voters of the constituency to the Speaker, the seat of that member should thereupon become vacant. This will make the elected representatives more responsive to the demands and needs of their respective constituencies.

Hence this Bill.

NEW DELHI; ANOOPCHAND SHAH

March 6, 1986.

BILL NO. 33 OF 1986

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Thirty-seventh Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Constitution (Amendment) Act, 1986.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of article 311.

2. In article 311 of the Constitution,—

(*i*) in clause (*2*), in the second proviso, part (b) shall be omitted;

(*ii*) clause (*3*) shall be omitted.

STATEMENT OF OBJECTS AND REASONS

The Supreme Court judgement in civil appeal no. 6814 of 1983 between Union of India *vs.* Tulsi Ram Patel and others has brought about a fundamental change in the law regarding the protection of Government employees against arbitrary dismissals and other forms of punishments mentioned in article 311 of the Constitution of India. This judgement has at one stroke rendered the entire Government employees extremely vulnerable to whimsical and capricious actions by the superior officers. Today the services of a Government employee can be terminated at any time without assigning any reason or affording him any opportunity to defend himself, invoking the provision contained in part (b) of the second proviso to clause (2) of article 311. This is leading to victimisation on a large scale and a great uncertainty hangs over the Government employees. In order that Government machinery functions properly and effectively, it is essential that there should be reasonable certainty about career, etc. of the Government employees. It is, therefore, necessary to change the present position of law in this regard.

This Bill seeks to meet this objective, by omitting part (b) of the second proviso to clause (2) and clause (3) of article 311 of the Constitution.

NEW DELHI;
March 6, 1986.

SURESH KURUP

BILL NO. 36 OF 1986

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Thirty-seventh Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Constitution (Amendment) Act, 1986.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Insertion of new article 333A.

2. After article 333 of the Constitution, the following article shall be inserted, namely:—

Reservation of seats for Scheduled Castes and Scheduled Tribes in Panchayats, etc.

"333A. Seats shall be reserved for the Scheduled Castes and Scheduled Tribes in Panchayats and other local authorities in rural areas and in taluka boards/town municipalities and in municipal corporations of metropolitan cities of every State.".

STATEMENT OF OBJECTS AND REASONS

Article 330 of the Constitution ensures reservation of seats for the Scheduled Castes and Scheduled Tribes in the House of the People. Article 332 of the Constitution provides for the reservation of seats for the Scheduled Castes and Scheduled Tribes in the Legislative Assemblies of the States.

Article 40 of the Constitution provides that the State shall take steps to organise village panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of self-government.

There is thus a constitutional sanction for organising Panchayats through elections. But, unfortunately, there is no reservation of seats for scheduled castes and scheduled tribes in the elections to Panchayat Raj institutions.

Though under article 17, 'untouchability' is abolished and its practice in any form is forbidden and the enforcement of any disability arising out of untouchability shall be an offence punishable in accordance with law, in rural areas untouchability is still rampant. There is also no law enforcing agency in rural areas. In contravention of article 15, the scheduled castes face the disability in rural areas in the use of wells, tanks, bathing ghats, roads and places of public resort. Even cremation of a dead body belonging to a scheduled caste has to be done in a separate cremation ground outside the village. In schools, in rural areas, the children belonging to scheduled castes are kept in isolation.

In these circumstances, it is essential to provide in the Constitution itself reservation of seats for the scheduled castes and scheduled tribes enabling their elected representatives to Panchayat Raj institutions to secure their rightful place in the rural society, as enshrined in the Constitution.

It is, therefore, proposed to take this opportunity for providing reservation for the scheduled castes and scheduled tribes in the elections to Panchayats and Panchayat unions, municipalities and municipal corporations of metropolitan cities.

Hence this Bill.

NEW DELHI;
March 11, 1986.

P. VALLAL PERUMAN

BILL NO. 32 OF 1986

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Thirty-seventh Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1986. Short title.

2. In article 324 of the Constitution, after clause (6), the following clause shall be inserted, namely:— Amendment of article 324.

"(7) On ceasing to hold office—

(*a*) the Chief Election Commissioner shall be ineligible for further employment or office either under the Government of India or under the Government of a State;

(*b*) any other Election Commissioner shall be eligible for appointment as the Chief Election Commissioner, but shall not be eligible for any other employment or office either under the Government of India or under the Government of a State;

(*c*) a Regional Commissioner shall be eligible for appointment as an Election Commissioner or the Chief Election Commissioner, but shall not be eligible for any other employment either under the Government of India or under the Government of a State:

Provided that the Chief Election Commissioner or any other Election Commissioner or a Regional Commissioner shall, on expiration of his term of office, be eligible for re-appointment to that office.".

STATEMENT OF OBJECTS AND REASONS

Unlike the Chairman and members of the Union Public Service Commission and the Comptroller and Auditor-General, the Constitution does not lay down any restrictions on the eligibility of the Chief Election Commissioner, other Election Commissioners and the Regional Commissioners for any further office or employment under the Central or any State Government after they cease to hold office. However, a sound convention had always been followed that the Chief Election Commissioner should not be appointed to any governmental office after retirement. The recent breach of this convention in appointment of the Chief Election Commissioner as a Governor is rather unfortunate. This unhealthy precedent has the dangerous potency of rendering the Election Commission a suspect in the eyes of the people.

The Bill seeks to remove the lacuna in the Constitution by restricting the eligibility of the Chief Election Commissioner, other Election Commissioners and the Regional Commissioners for appointment to further office on their retirement.

G. M. BANATWALLA

NEW DELHI;
March 13, 1986.

BILL NO. 34 OF 1986

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Thirty-seventh Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Constitution (Amendment) Act, 1986.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of article 315.

2. In article 315 of the Constitution, the following explanation shall be added at the end, namely:—

"Explanation.—For the purposes of this Chapter, the expression 'State' shall include a 'Union territory' and the expression 'Governor' shall include a Lieutenant Governor' or an 'Administrator', as the case may be.".

STATEMENT OF OBJECTS AND REASONS

The existing provisions of the Constitution provide for a Union Public Service Commission to cover services under the Union and State Public Service Commissions for services under the States. Union Territories are totally overlooked in this regard. Services under the Union territories are, at present, looked after by the Union Public Service Commission. The Union Public Service Commission do not fully appreciate regional requirements of the Union territories. Therefore, Public Service Commissions require to be established in the Union territories also.

Hence the Bill.

NEW DELHI;
March 13, 1986

SHANTARAM NAIK

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides that Public Service Commissions shall be established in each of the Union territories. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India in respect of Union territories where there are no legislatures. An annual recurring expenditure of about rupees ten lakhs is likely to be involved from the Consolidated Fund of India.

A non-recurring expenditure of about rupees ten lakhs is also likely to be involved.

SUBHASH C. KASHYAP,
Secretary-General.

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